

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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MEDPOINTE HEALTHCARE INC., :
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Plaintiff, :
:

v. : Civ. No. 08-1494 (PGS)
:

:

AXIS REINSURANCE COMPANY, :
:

ORDER

Defendant. :
:
:

This matter originally came before the Court on Defendant's, Axis Reinsurance Company's, motion to dismiss (Docket Entry No. 6). This Court found that the motion to dismiss was more properly a motion for summary judgment and, pursuant to Fed. R. Civ. P. 12(d), it converted the motion into a motion for summary judgment and gave the parties ten days to submit further factual proofs and briefs. The Court has reviewed all parties' submissions. Good cause having been shown, for the reasons set forth in the accompanying Opinion, it is hereby

ORDERED that Defendant's motion for summary judgment is denied.

s/Peter G. Sheridan

PETER G. SHERIDAN, U.S.D.J.

March 31, 2009